

ORIGINAL

Kenneth W. DiGia
Epstein Becker & Green, P.C.
250 Park Avenue
New York, New York 10177
(212) 351-4500
Attorneys for Defendant

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x		<u>ECF CASE</u>
VADIM M. SEALY,	:	
	:	
Plaintiff,	:	08 CV 1634 (GBD) (AJP)
	:	
– against –	:	
	:	NOTICE OF UNOPPOSED
THE HERTZ CORPORATION,	:	MOTION TO ADMIT COUNSEL
	:	<u>PRO HAC VICE</u>
Defendant.	:	
	:	
----- x		

PLEASE TAKE NOTICE THAT PURSUANT TO RULE 1.3(c) of the Local
Rules of the United States District Courts for the Southern and Eastern Districts of New York, I,
Kenneth W. DiGia, a member in good standing of the bar of this Court, hereby move for an
Order allowing the admission pro hac vice of

Timothy Riker Newton, Esq.
Constangy, Brooks & Smith, LLC
230 Peachtree Street, NW, Suite 2400
Atlanta, GA 30303
Phone Number: (404) 525-8622
Fax Number: (404) 525-6955
tnewton@constangy.com

- and -

Frank B. Shuster, Esq.
Constangy, Brooks & Smith, LLC
230 Peachtree Street, NW, Suite 2400
Atlanta, GA 30303
Phone Number: (404) 525-8622
Fax Number: (404) 525-6955
fshuster@constangy.com

JUN 10 2008

90950-653600

Mr. Newton is a member in good standing of the Bar of the State of Georgia, as well as the United States District Court for the Northern and Middle Districts of Georgia, the Central District of Illinois and the United States Courts of Appeals for the Eleventh, Seventh and Fifth Circuits. There are no pending disciplinary proceedings against Mr. Newton in any State or Federal Court.

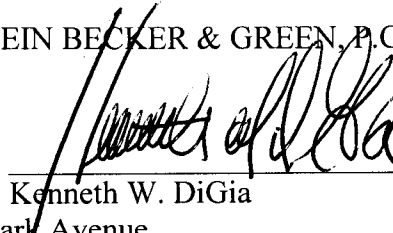
Mr. Shuster is a member in good standing of the Bar of the State of Georgia, as well as the United States District Court for the Northern District of Georgia and the United States Courts of Appeals for the First, Second, Fourth, Fifth, Eighth and Eleventh Circuits and the United States Supreme Court. There are no pending disciplinary proceedings against Mr. Shuster in any State or Federal Court.

June 9, 2008
New York, New York

Respectfully submitted,

EPSTEIN BECKER & GREEN, P.C.

By:


Kenneth W. DiGia

250 Park Avenue
New York, New York 10177-0077
(212) 351-4500
Attorneys for Defendant

To: David G. Gabor, Esq.
Gabor & Gabor
400 Garden City Plaza
Garden City, New York 11530
Attorneys for Plaintiff

REDACTED

Kenneth W. DiGia
Epstein Becker & Green, P.C.
250 Park Avenue
New York, New York 10177
(212) 351-4500
Attorneys for Defendant

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VADIM M. SEALY,	:	
	:	
Plaintiff,	:	08 CV 1634 (GBD) (AJP)
	:	
– against –	:	
	:	<u>AFFIDAVIT IN SUPPORT OF</u>
THE HERTZ CORPORATION,	:	<u>MOTION FOR ADMISSION</u>
	:	<u>PRO HAC VICE</u>
Defendant.	:	
	:	
	:	
	:	
----- x		

KENNETH W. DiGIA, ESQ., being duly sworn, deposes and says:

1. I am a member of the bar of this Court and am employed by the law firm of Epstein Becker & Green, P.C., attorneys for defendant The Hertz Corporation in the captioned action. I submit this affidavit in support of defendant's motion for the admission pro hac vice of Timothy Riker Newton, Esq. and Frank B. Shuster, Esq. so that they each may appear and participate in this action as counsel to defendant.

2. I am a member in good standing of bar of the State of New York and was admitted to practice law in 1989. I was admitted to practice before this Court in 1992 and remain a member in good standing.

3. Timothy Riker Newton, Esq. is a member of Constangy, Brooks & Smith, LLC in Atlanta, Georgia. He is a member of the state bar of Georgia. He is also admitted to practice before the United States District Court for the Northern and Middle Districts of Georgia and the Central District of Illinois and the United States Courts of Appeals for the Eleventh,

Seventh and Fifth Circuits. In my opinion, Mr. Newton is a skilled attorney and a person of integrity. He is familiar with Federal practice and with the Federal Rules of Civil Procedure. Mr. Newton's affidavit is attached as Exhibit A.

4. Frank B. Shuster, Esq. is a member of Constangy, Brooks & Smith, LLC in Atlanta, Georgia. He is a member of the state bar of Georgia. He is also admitted to practice before the United States District Court for the Northern District of Georgia, the United States Courts of Appeals for the Eleventh, Eighth, Fifth, Fourth, Second and First Circuits and the United States Supreme Court. In my opinion, Mr. Shuster is a skilled attorney and a person of integrity. He is familiar with Federal practice and with the Federal Rules of Civil Procedure. Mr. Shuster's affidavit is attached hereto as Exhibit B.

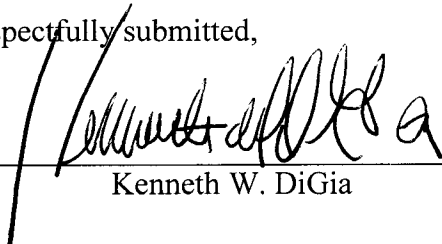
5. On June 4, I spoke with David G. Gabor, Esq., counsel for plaintiff, who indicated that plaintiff did not oppose the pro hac vice admission of Messrs. Newton and Shuster.

6. Defendant respectfully requests that this Court grant this motion for the admission pro hac vice of Timothy Riker Newton, Esq. and Frank B. Shuster, Esq. pursuant to Rule 1.3(c) of the Local Civil Rules of the Southern and Eastern Districts of New York.

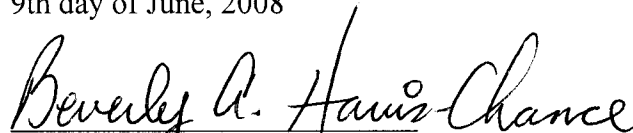
7. I respectfully submit a proposed order granting the motion to admit Messrs. Newton and Shuster, pro hac vice, which is attached hereto as Exhibit C.

WHEREFORE it is respectfully requested that the unopposed motion to admit Timothy Riker Newton, Esq. and Frank B. Shuster, Esq., pro hac vice, to represent Defendant in the captioned matter, be granted.

Respectfully submitted,


Kenneth W. DiGia

Sworn to before me this
9th day of June, 2008


Notary Public

BEVERLY A. HARRIS CHANCE
Notary Public, State of New York
No. 01HA4922561
Qualified in Kings County 10
Commission Expires 03/14/2009

RECEIVED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	x	<u>ECF CASE</u>
VADIM M. SEALY,	:	
	:	
Plaintiff,	:	08 CV 1634 (GBD) (AJP)
	:	
– against –	:	
	:	<u>AFFIDAVIT IN SUPPORT OF</u>
THE HERTZ CORPORATION,	:	<u>MOTION FOR ADMISSION</u>
	:	<u>PRO HAC VICE</u>
Defendant.	:	
	:	
-----	x	

STATE OF GEORGIA)
 SS:
COUNTY OF FULTON)

COMES NOW, Timothy Riker Newton, a member of the Bar of the State of Georgia, and submits his Affidavit in Support of Notice of Motion for Admission *Pro Hac Vice*, to appear on behalf of Defendant, The Hertz Corporation (“Hertz”), being duly sworn, deposes and says:

1. The undersigned is a member of the firm of Constangy, Brooks & Smith, LLC, 230 Peachtree Street, N.W., Suite 2400, Atlanta, Georgia 30303.
2. The undersigned certifies that has been a member in good standing of the Bar of the State of Georgia since 1993 and admitted to practice before the Supreme Court of Georgia since May 19, 1994, the Georgia Court of Appeals since May 19, 1994, as well as the United States District Court for the Northern District of Georgia since May 19, 1994, the United States District Court for the Middle District of Georgia since April 24, 1995 and the United States District Court, Central District of Illinois since November 29, 2002. (See Georgia Certificate of Good Standing, attached as Tab 1.)

3. In addition, the undersigned is admitted to practice before the United States Court of Appeals – 11th Circuit (September 6, 1995 and readmitted on September 12, 2002), the United States Court of Appeals – 5th Circuit (October 19, 2004), United States Court of Appeals – 7th Circuit (April 16, 2004).

4. The undersigned agrees to be subject to the orders, disciplinary action and civil jurisdiction of the United States District Court for the Southern District of New York in all respects as if he were a regularly admitted and licensed member of the bar of the United States District Court for the Southern District.

5. The undersigned certifies that he is not currently, and has never been disbarred or suspended from the practice of law nor the subject of disciplinary proceedings.


WHEREFORE, the undersigned, Timothy Riker Newton, respectfully moves for the Admission *Pro Hac Vice*, for purposes herein stated.

CONSTANGY, BROOKS & SMITH, LLC
230 Peachtree Street, N.W.
Suite 2400
Atlanta, Georgia 30303-1557

BY: 
TIMOTHY RIKER NEWTON

Sworn to and subscribed before me

This 5 day of June, 2008


Notary Public

Commission Expires: **TERRI STANULUS**
Notary Public
Gwinnett County
State of Georgia
My Commission Expires June 12, 2010

RECEIVED



STATE BAR OF GEORGIA

Lawyers Serving the Public and the Justice System

Mr. Timothy Riker Newton
Constangy Brooks & Smith LLC
230 Peachtree Street, N.W., Suite 2400
Atlanta, GA 30303-1557

CURRENT STATUS: Active Member-Good Standing
DATE OF ADMISSION: 11/30/1993
BAR NUMBER: 542200
TODAY'S DATE: May 28, 2008

Listed below are the public disciplinary actions, if any, which have been taken against this member:

State Disciplinary Board Docket #	Supreme Court Docket #	Disposition
N/A	N/A	N/A

The prerequisites for practicing law in the State of Georgia are as follows:

- **Must be certified by the Office of Bar Admissions, either by Exam, or on Motion (Reciprocity).**
- **Sworn in to the Superior Court in Georgia, which is the highest court needed for individuals to practice law in the State of Georgia.**
- **Enrolled with the State Bar of Georgia, which is an arm of the Supreme Court of Georgia.**

Attorneys licensed in Georgia and whose membership is current are eligible to practice law in Superior Court. Attorneys may, upon application, apply for admission to the Supreme, District and State Court of Appeals.

Under the privacy/confidentiality provision of the Bar Rule 4-221(d), any complaint against a member resolved prior to the filing and docketing of a disciplinary case in the Supreme Court is not a matter of public record, and may not be revealed without a waiver from the member. It is the policy of the State Bar of Georgia to answer any inquiry about a member by disclosing only those complaints that have been docketed in the Supreme Court. With respect to matters that are currently pending as active, undocketed cases, when an inquiry is received, the State Bar of Georgia shall not disclose the existence of those complaints. Such non-disclosure should not be construed to confirm the existence of confidential complaints since the vast majority of members in good standing are not the subjects of such confidential complaints.

This member is currently in **"good standing"** as termed and defined by **State Bar Rule 1-204**. The member is current in license fees and is not suspended or disbarred as of the date of this letter.

STATE BAR OF GEORGIA

Brandy Preston

Official Representative of the State Bar of Georgia



HEADQUARTERS

104 Marietta Street, Suite 100
 Atlanta, Georgia 30303
 (404) 527-8700 ■ (800) 334-6865
 FAX (404) 527-8717
www.gabar.org

SOUTH GEORGIA

244 E. Second Street (Zip 31794)
 P.O. Box 1390
 Tifton, Georgia 31793-1390
 (229) 387-0446 ■ (800) 330-0446
 FAX (229) 382-7435

RECEIVED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	x	<u>ECF CASE</u>
VADIM M. SEALY,	:	
	:	
Plaintiff,	:	08 CV 1634 (GBD)(AJP)
	:	
– against –	:	
	:	<u>AFFIDAVIT IN SUPPORT OF</u>
THE HERTZ CORPORATION,	:	<u>MOTION FOR ADMISSION</u>
	:	<u>PRO HAC VICE</u>
Defendant.	:	
	:	
	:	
-----	x	

STATE OF GEORGIA)
 ss:
COUNTY OF FULTON)

COMES NOW, Frank B. Shuster, a member of the Bar of the State of Georgia, and submits his Affidavit in Support of Motion for Admission *Pro Hac Vice*, to appear on behalf of Defendant, The Hertz Corporation (“Hertz”), being duly sworn, deposes and says:

1. The undersigned is a member of the firm of Constangy, Brooks & Smith, LLC, 230 Peachtree Street, N.W., Suite 2400, Atlanta, Georgia 30303.

2. The undersigned certifies that he is a member in good standing of the Bar of the State of Georgia since November 1, 1979. I have also been admitted to practice before the Supreme Court of Georgia since January 15, 1980, as well as the United States District Court for the Northern District of Georgia since January 4, 1980. (See Georgia Certificate of Good Standing, attached as Tab 1.)

3. In addition, the undersigned is admitted to practice before the United States Supreme Court (May 13, 1985), United States Court of Appeals – 11th Circuit (October 1, 1981), United States Court of Appeals – 8th Circuit (July 18, 2006), United States Court of Appeals – 5th Circuit (October 8, 2004), United States Court of Appeals - 4th Circuit (September

12, 2000), United States Court of Appeals – 2d Circuit (August 28, 2007), and the United States Court of Appeals – 1st Circuit (November 5, 1993).

4. The undersigned agrees to be subject to the orders, disciplinary action and civil jurisdiction of the United States District Court for the Southern District of New York in all respects as if he were a regularly admitted and licensed member of the bar of the United States District Court for the Southern District of New York.

5. The undersigned certifies that he is not currently, and has never been disbarred or suspended from the practice of law nor the subject of disciplinary proceedings.

WHEREFORE, the undersigned, Frank B. Shuster, respectfully moves for the Admission *Pro Hac Vice*, for purposes herein stated.

CONSTANGY, BROOKS & SMITH, LLC
230 Peachtree Street, N.W.
Suite 2400
Atlanta, Georgia 30303-1557

BY:

FRANK B. SHUSTER

Sworn to and subscribed before me

This 5 day of June, 2008

TERRI STANULUS

Notary Public

Commission Expires:

TERRI STANULUS
Notary Public
Gwinnett County
State of Georgia
My Commission Expires June 12, 2010

STATE BAR OF GEORGIA



Lawyers Serving the Public and the Justice System

Mr. Frank B. Shuster
Constangy Brooks & Smith LLC
230 Peachtree Street, N.W., Suite 2400
Atlanta, GA 30303-1557

CURRENT STATUS: Active Member-Good Standing
DATE OF ADMISSION: 11/01/1979
BAR NUMBER: 644722
TODAY'S DATE: May 12, 2008

Listed below are the public disciplinary actions, if any, which have been taken against this member:

State Disciplinary Board Docket #	Supreme Court Docket #	Disposition
N/A	N/A	N/A

The prerequisites for practicing law in the State of Georgia are as follows:

- Must be certified by the Office of Bar Admissions, either by Exam, or on Motion (Reciprocity).
- Sworn in to the Superior Court in Georgia, which is the highest court needed for individuals to practice law in the State of Georgia.
- Enrolled with the State Bar of Georgia, which is an arm of the Supreme Court of Georgia.

Attorneys licensed in Georgia and whose membership is current are eligible to practice law in Superior Court. Attorneys may, upon application, apply for admission to the Supreme, District and State Court of Appeals.

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This member is currently in "good standing" as termed and defined by **State Bar Rule 1-204**. The member is current in license fees and is not suspended or disbarred as of the date of this letter.

STATE BAR OF GEORGIA

Brandy Preston

Official Representative of the State Bar of Georgia



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Tifton, Georgia 31793-1390
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FAX (229) 382-7435

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	x	<u>ECF CASE</u>
VADIM M. SEALY,	:	
	:	
Plaintiff,	:	08 CV 1634 (GBD) (AJP)
	:	
– against –	:	
	:	<u>ORDER FOR ADMISSION</u>
THE HERTZ CORPORATION,	:	<u>PRO HAC VICE</u>
	:	<u>ON WRITTEN MOTION</u>
Defendant.	:	
	:	
	:	
	:	
	:	
-----	x	

Upon the motion of Kenneth W. DiGia, attorney for Defendant, The Hertz Corporation and said sponsor attorney's affidavit in support:

IT IS HEREBY ORDERED that

Timothy Riker Newton, Esq.
Constangy, Brooks & Smith, LLC
230 Peachtree Street, NW, Suite 2400
Atlanta, GA 30303
Phone Number: (404) 525-8622
Fax Number: (404) 525-6955
tnewton@constangy.com

- and -

Frank B. Shuster, Esq.
Constangy, Brooks & Smith, LLC
230 Peachtree Street, NW, Suite 2400
Atlanta, GA 30303
Phone Number: (404) 525-8622
Fax Number: (404) 525-6955
fshuster@constangy.com

are admitted to practice pro hac vice as counsel for Defendant, The Hertz Corporation, in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case

Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov.

Counsel shall forward the pro hac vice fee to the Clerk of Court.

_____, 2008
New York, New York

United States District/Magistrate Judge

CERTIFICATE OF SERVICE

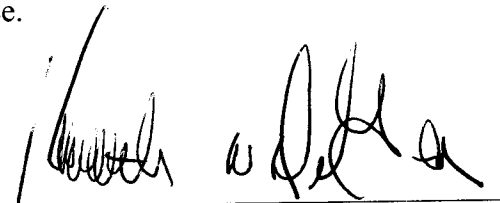
Kenneth W. DiGia duly sworn deposes and says:

1. I am not a party to this action, am over 18 years of age and reside in Nassau County.

2. On June 9, 2008, I caused the foregoing Notice of Unopposed Motion to Admit Counsel Pro Hac Vice (with attachments) to be served upon:

David G. Gabor, Esq.
Gabor & Gabor
400 Garden City Plaza
Garden City, New York 11530
Attorney for Plaintiff

by causing a true copy of same to be placed in a properly addressed postpaid envelope and deposited in the custody of the United States Postal Service.



Kenneth W. DiGia